

REMARKS

Claims 1-62 are pending in the application. In the Notice of Allowance, Claims 19-23, 37, 39, 49-51 and 55-61 were allowed, and Claims 1-18, 24-36, 38, 40-48, 52-54, and 62 were canceled by an Examiner's Amendment. The Applicants object to the Examiner's Amendment canceling Claims 1-18, 24-36, 38, 40-48, 52-54, and 62. These claims are subject to a restriction requirement that was traversed and never made final. The RCE submitted concurrently herewith is filed to preserve the Applicants' right to petition the restriction requirement, if maintained. Because the RCE is being filed to correct an Office error, the Applicants reserve the right to petition for a refund of the filing fee.

Interview Summary

On February 1-2, 2005, the undersigned attorney and Examiner Shahid Al Alam discussed the Notice of Allowance and Examiner's Amendment. It is the Applicants' belief that M.P.E.P. § 821.01 specifies that a traversal of a restriction requirement required a new action further explaining the restriction requirement and making the restriction final. If the Applicants still disagreed, a petition could then be filed. The Notice of Allowance improperly short-circuited the Applicants' right to petition.

The Examiner's position was that M.P.E.P. § 821.01 (captioned "After Election with Traverse") did not apply where a traversal was combined with an election. The undersigned attorney disagreed. The Examiner offered the options of petitioning to the Director to have the Notice of Allowance withdrawn, filing divisional applications, or filing an RCE. Because the Petition would not be expected to be considered in time, and because filing divisional applications would not preserve the Applicants' petition rights, filing the RCE was considered to be the Applicants' only option.

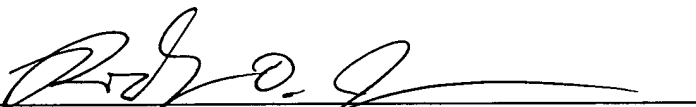
Upon the filing of an RCE, the Examiner agreed to withdraw the Examiner's Amendment, so that all claims (Claims 1-62) remain pending in the application.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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